INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
CASE NUMBER IV 2125496
DEPUTY INVOLVED SHOOTING-SUSPECT HIT
IAB FILE NUMBER SH 2123975
URN 004-19666-1323-242

Subject: **DAVID JOYCE, DEPUTY, #[redacted]**

Date: **July 18, 2004 (Sunday)**

Time: **2230 Hours**

Location: **[redacted] Maybank Ave., Lakewood**

This case pertains to an off-duty incident where Deputy David Joyce, assigned to Lakewood Station as a patrol deputy was driving home after completing his assigned shift when he was accosted by Suspect Graham who asked to shoot him (Graham) and drove recklessly causing a traffic collision. Deputy Joyce, while in cell phone contact with Lakewood Station desk personnel, pursued Suspect Graham to the location at which time Suspect Graham advanced on Deputy Joyce in a threatening manner displaying what appeared to Deputy Joyce to be a weapon. Deputy Joyce fired twice striking Suspect Graham one time with a fragment of a bullet. It is alleged that Deputy Joyce used a weapon which was not approved to be carried or used by Department personnel and that Deputy Joyce's pursuit of Suspect Graham did not meet the Department standards for off duty conduct.

INVOLVED PERSONNEL:

Deputy Joyce, David, #[redacted] MW/44 6'00"/190lbs

EMPLOYEE WORK HISTORY

<u>JOYCE,</u> David

Date of Employment
Date Assigned to Patrol
Completed Patrol Training
Prior Founded Force Incidents

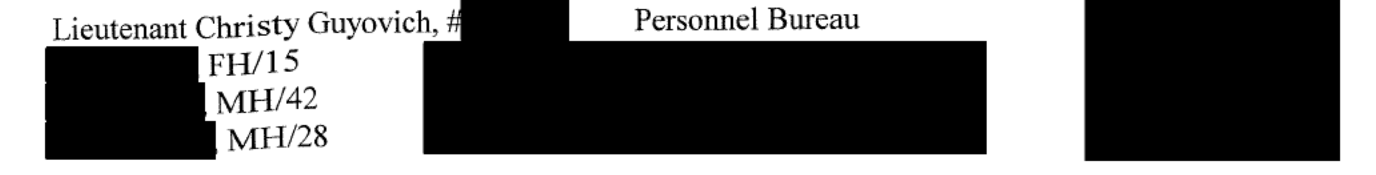
[redacted]

SUSPECT

Graham, Brian T., BK#8204768 M/W-27 6'01"/185lbs

Suspect Graham had an extensive criminal history including [redacted] **(refer Exhibits D & G)**.

WITNESSES



Lieutenant Christy Guyovich, #[redacted] Personnel Bureau [redacted]
[redacted] FH/15
MH/42
MH/28

INJURIES

Deputy Joyce was not injured in this incident

Suspect Graham had a small, possible lead, particle removed from an abrasion on his upper right chest area.

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy Joyce used an unauthorized Walther, Model P99, 9MM, semiautomatic pistol, firing 2 rounds of 9MM, Department issued and authorized ammunition**(refer Exhibit E)**.

WEAPONS USED BY SUSPECT

Suspect Graham used his Toyota pick-up truck to instigate a traffic collision and a simulated weapon when he advanced on Deputy Joyce in a threatening manner **(refer Exhibits I & J)**.

PHYSICAL EVIDENCE

Deputy Joyce's weapon was submitted for testing. The weapon is a Walther 9 MM Luger caliber, model P99 semiautomatic pistol, ser#061462. The weapon was found to be functional.

CRIMINAL INVESTIGATORS

Homicide Bureau Detective Richard Lopez and Sandra Nava.

CHARGES FILED

The charges filed by the District Attorney against Suspect Graham were:

One count of 23152(A) CVC, Driving under the Influence of Alcohol/Drugs one count of

23152(B) Driving Under the Influence of Alcohol/Drugs with a BAC over .08%, one count of 23103(A), Reckless Driving and one count of 20002(A), Hit and Run, were filed on Suspect Graham. Suspect Graham received 30 days County Jail and 3 years Probation.

WITNESSES

Lieutenant Christy Guyovich, #[redacted]

Lieutenant Guyovich said that she was in the Lakewood Station kitchen, briefing, when she heard on the station P. A. System, that a deputy was being chased by a citizen who had threatened to kill him and had also "rammed" the deputy. She immediately went to the Dispatch area and began requesting information regarding the chase. She said information was difficult to acquire because the communication was from the deputy's cell phone, to a station desk phone, to the dispatcher, to SCC and then out to the field units. She said this extended the time it took for her to determine what was occurring.

Lieutenant Guyovich said that during the entire incident, she believed that the deputy was being chased by the suspect who had threatened to kill him. She said that she did not learn that in fact the opposite was the case until she arrived at the scene of the shooting and saw the deputy's vehicle was behind the suspect vehicle.

[redacted] FH/15

Witness [redacted] said that she heard vehicles racing outside her bedroom window at [redacted] Maybank Ave. She looked out the window and saw a white truck, later identified as the suspect vehicle, skid to a stop in front of the neighbors house to the south. Seconds later another truck drove up and stopped north of the white truck. She said she saw a male (Deputy Joyce) exited the second truck with a gun in his hand and began yelling at a second male (Suspect Graham) who was walking toward Deputy Joyce. She heard Deputy Joyce yelling "Put your hands up," but Suspect Graham did not comply. She said she saw Suspect Graham continue walking toward Deputy Joyce and as Suspect Graham got closer to Deputy Joyce, Deputy Joyce fired two shots. Additional police vehicles arrived and Suspect Graham was taken into custody.

[redacted] MH/42

Witness [redacted] said that he was inside his residence at [redacted] when he heard the sound of a racing vehicle engine and then three gunshots. He immediately looked out his bedroom window and saw a white pick-up truck (suspect vehicle) parked in front of his residence

and a darker pick-up truck stopped in the street to the north. He saw a male white (Suspect Graham) exit the white truck, walk toward the rear of the truck, then to the passenger door of the white truck, as another male white (Deputy Joyce) exited the darker truck and stand in the open driver's door well of that truck. Deputy Joyce had a handgun in his hand and was yelling "Stop, stay there." The suspect walked north toward Deputy Joyce and when he got to within four or five feet of Deputy Joyce, Deputy Joyce fired three more shots at the suspect. The suspect retreated south and was contacted by arriving deputies. The suspect struggled with the deputies and was taken into custody.

[redacted], MH/28

Witness [redacted] said that he was inside his residence at [redacted], when he heard two gunshots. He then heard sirens, the sound of racing vehicle engines and the sound of a circling helicopter. He went outside to his front porch from where he saw several uniformed deputies struggling with an individual. The deputies wrestled the individual to the ground and handcuffed him without further incident.

SUBJECT

DEPUTY JOYCE, David, #[redacted]

Deputy Joyce was interviewed by Homicide Investigator Richard Lopez, #[redacted] and Sergeant Sandra Nava, #[redacted] on July 19, 2004 at 0510 hours. The following is a summary of that interview.

Deputy Joyce said that on the day of the incident he had responded to Lakewood Station in order to retrieve his posse box and take it home with him. At approximately 2200 hours he left Lakewood Station via the Civic Center Drive exit at the rear of the station. As he stopped at the driveway exit, he saw a white pick up truck, with a male white (Suspect Graham) as the sole occupant, drive southbound Civic Center Drive. He exited the parking lot and turned southbound Civic Center Drive, at which time he saw the white pick up truck abruptly pull to the west curb and stop. When Deputy Joyce passed the truck, the truck immediately pulled away from the curb and got directly behind him.

Deputy Joyce said that he believed "something" was going to occur and removed his handgun from between his seat and the center console. When he stopped at the stop sign at Del Amo Blvd. Suspect Graham stopped next to him on the passenger side. Suspect Graham rolled down his drivers window and began yelling at Deputy Joyce. Suspect Graham was yelling "Kill me, kill me, kill me. I know you've got a .45, kill me. I've got nothin to live for. I'll kill you too."

Deputy Joyce saw that Suspect Graham had one hand on the trucks window and one hand on the steering wheel. He continued watching Suspect Graham as he utilized his cell phone and called Lakewood Station to advise of the situation and request assistance. Suspect Graham suddenly turned his vehicle toward Deputy Joyce and then turned westbound onto Del Amo Blvd. Deputy

Joyce believed Suspect Graham was "out of control" and a danger to other people on the road.

Deputy Joyce said that he immediately turned westbound onto Del Amo Blvd and began following Suspect Graham. Almost immediately as he began following Suspect Graham, Suspect Graham braked. Deputy Joyce was unable to stop and struck Suspect Graham's vehicle **(refer Exhibit B & L)**. Suspect Graham immediately sped westbound Del Amo Blvd., turning northbound into the Lakewood Mall west of the movie theater. Deputy Joyce said that he followed Suspect Graham as he drove through a row of parking stalls to southbound Graywood Ave., back to westbound Del Amo Blvd. where Suspect Graham began weaving in and out of traffic, failing to stop at the red traffic light at Lakewood Blvd. Suspect Graham continued westbound on Del Amo Blvd. then turned southbound on Obispo Ave. As this was occurring, Deputy Joyce was on his cell phone to Lakewood desk, updating his location and the situation **(refer Exhibit F)**. At Del Amo Blvd and Downey Ave., Deputy Joyce saw two deputies traveling eastbound on Del Amo Blvd., at which time he advised Lakewood desk that the deputies were going the wrong way.

I.A.B. Note: Approximately 40 seconds into Deputy Joyce's phone call to Lakewood desk, Deputy Joyce provided a suspect vehicle description and license number.

Deputy Joyce said that when Suspect Graham turned southbound onto Obispo Ave., he turned his vehicle lights off in what Deputy Joyce believed was an attempt to evade his pursuit. Deputy

Joyce said that at this point he was several hundred yards behind Suspect Graham, but was able to maintain contact by looking for Suspect Graham's brake lights. As Deputy Joyce followed Suspect Graham, Suspect Graham turned westbound on Warwood Rd. or Freckles Rd., Deputy Joyce was unsure which road. As Suspect Graham approached the easement road for north/south Paramount Blvd., he turned south and drove over the center median separating north/south Paramount Blvd.

Deputy Joyce said that as Suspect Graham drove southbound Paramount Blvd., he was approximately one half block behind Suspect Graham. Deputy Joyce said he drove to the first exit onto Paramount Blvd. from the easement road and continued following Suspect Graham. Suspect Graham, who was continuing to drive erratically, turned westbound on Carson St. to northbound Maybank Ave., to westbound Greenmeadow Rd. to northbound Pixie Ave. Deputy Joyce said that he was able to catch up to Suspect Graham at Pixie Ave. when he saw Suspect Graham's brake lights. Suspect Graham turned eastbound on Bomberry St. at which point Deputy Joyce lost sight of Suspect Graham. Deputy Joyce regained sight of Suspect Graham when he turned southbound onto Maybank Ave., but Suspect Graham's tail lights quickly went out.

I.A.B. Note: This pursuit lasted five minutes seven seconds plus and covered approximately 3.2 miles.

Deputy Joyce said that he believed that Suspect Graham may have parked under a tree to avoid capture because the street was "completely dark," and that Suspect Graham may have run from his vehicle. He stopped his vehicle north and west of Suspect Graham's vehicle, exited his vehicle and took a position between the vehicle and the open drivers door **(refer Exhibit C & H)**. Deputy Joyce saw Suspect Graham appear from out of the shadows on the driver's side of the suspect vehicle. Suspect Graham began yelling at Deputy Joyce, "Fucking kill me. I'm right here."

Deputy Joyce said that he pointed his weapon at Suspect Graham and ordered him to get on the ground. As Suspect Graham began moving toward Deputy Joyce he continued to behave aggressively and Deputy Joyce got a quick glimpse of a metallic object in Suspect Graham's right hand **(refer Exhibit I)**. Deputy Joyce said that he believed that Suspect Graham had armed himself with a knife or some type of tool (possibly a wrench) from his vehicle. Deputy Joyce said that he feared for his safety and fired two rounds at Suspect Graham, believing that he had struck Suspect Graham based on Suspect Graham immediately falling to the ground and saying apologetically "Sorry, sorry."

Deputy Joyce said that he did not identify himself as a police officer, believing that Suspect Graham was aware of that based on Suspect Graham seeing him drive out of Lakewood Station employee parking lot and his comments to him that he knew that he had a gun.

Transcripts of Deputy Joyce's two interviews with Sergeant Smith regarding the use of an unauthorized weapon and his off duty pursuit of a possible mentally disturbed suspect is included in this summary.

SUSPECT

Brian Graham, BK#8204768

Suspect Graham declined to be interviewed by I.A.B. and Homicide investigators.